

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TERRY L. JEFFERSON,

Plaintiff,

V.

## SEATTLE PARKS DEPARTMENT.

Defendant.

Case No. C08-1726RSL

## ORDER DISMISSING CASE

This matter comes before the Court *sua sponte*. On May 21, 2009, the Court ordered plaintiff to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) for plaintiff's failure to serve defendant within 120 days after the complaint was filed. On June 10, 2009, the Court granted plaintiff's request for an extension and extended the deadline to July 17, 2009. Plaintiff subsequently moved to have counsel appointed; the motion was denied. Because of the intervening delay, the Court granted plaintiff a second extension of time to serve defendant and ordered him to do so and file proof of service with this Court by August 21, 2009. Plaintiff was informed that if he failed to do so, the Court would dismiss this matter without prejudice.

On August 21, 2009, plaintiff filed a proof of service form stating that he had personally effected service on defendant on that day. However, the Federal Rules of Civil Procedure plainly state that a party cannot effect service: "Any person who is at least 18 years old and not a

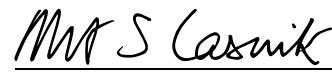
1 party may serve a summons and complaint.” Fed. R. Civ. P. 4(c)(2). Because service did not  
2 comport with the applicable rule, plaintiff has not effected service on defendant. Nor will the  
3 Court give plaintiff yet another extension to attempt service. He has had nine months and two  
4 extensions to do so. Accordingly, the Court DISMISSES his complaint without prejudice.

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6 DATED this 24th day of August, 2009.

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10 Robert S. Lasnik  
United States District Judge